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FILED IN THE  
 U.S. DISTRICT COURT  
 EASTERN DISTRICT OF WASHINGTON

JAN 26 2010

JAMES R. LARSEN, CLERK  
 DEPUTY  
 SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF WASHINGTON  
 SPOKANE, WASHINGTON

In the matter of:

SHANE WARD

Plaintiff,

vs.

NUCON SERVICES, INC., a Corporation  
 doing business in the State of Washington;  
 F/V ANGIE C, its individual capacity, her  
 engines, tackle, gear, apparel, furniture, and  
 equipment, O.N.; ROBERT  
 WARMENHOVEN, President of Nucon  
 Services, Inc.; DL WARMENHOVEN,  
 Secretary of Nucon Services, Inc.; RICK  
 THOMAS, Skipper of F/V Angie C,

Defendants.

IN ADMIRALTY

CASE No. **CV-10-024-EFS**

**COMPLAINT FOR PERSONAL INJURIES**

COMES NOW Plaintiff, Shane Ward, through his attorney James R. Walsh, and  
 Plaintiff alleges the following Causes of Action against Defendants Nucon Services, Inc., the  
 Defendants Vessel, F/V Angie C, her engines, tackle, apparel, furniture and equipment, Robert  
 Warmenhoven, DL Warmenhoven, Rick Thomas, and any persons claiming an interest therein in  
 a cause in tort, civil and maritime. Hereinafter, the term "Defendant(s)" is all inclusive of each  
 and every Defendant listed above.

# **I. NEGLIGENCE AND UNSEAWORTHINESS**

1. This is a case of Admiralty and maritime jurisdiction as hereinafter more fully appears. This is an Admiralty and maritime claim within the meaning of Rule 9(h). This negligence action arises under Sec. 33 of the Merchant Marine Act of 1920, 46 U.S.C. Sec 688 (Jones Act) as hereinafter more fully appears. Plaintiff waives his right to a trial by jury and elects to try his action on the Admiralty side of the Honorable Court.
2. All events and transactions which give rise to this Cause of Action transpired within the State of Alaska and its territorial waters.
3. Defendants vessel is now or during the pendency of process hereunder will be within the district and jurisdiction of the Court.
4. During all times herein mentioned Defendant Nucon Services, Inc., a Washington corporation, was the owner and/or owner *pro hoc vice* of the F/V Angie C and/or was operating the vessel in a commercial fishing business. Nucon Services, Inc. is the owner of F/V Angie C. During all times herein mentioned Nucon Services, Inc. was doing business in the state of Washington with a corporate office in Kettle Falls. Robert Warmenhoven and DL Warmenhoven were President and Secretary, respectively, of Nucon Services, Inc. Rick Thomas was the skipper of F/V Angie C at the time of the incident alleged.
5. In June of 2007, Plaintiff was engaged as a deckhand by Defendant Nucon Services, Inc., and/or its representatives, officers, agents, crew, servants, or employees, to be employed aboard the F/V Angie C, as an able-bodied deckhand fishing in Alaska.
6. In June of 2007, while Plaintiff was performing his duties aboard said vessel, and as the direct and proximate result of negligence of the Defendants Nucon Services, Inc., and/or its representatives, officers, agents, crew, servants or employees; and/or as the direct and proximate result of the unseaworthiness of the Defendant vessel, Plaintiff was injured as is hereinafter more fully alleged.
7. As a direct and proximate result of said negligence and/or unseaworthiness as herein above alleged, Plaintiff was caused to suffer, *inter alia*, severe and disabling injuries,

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and Plaintiff has suffered and may continue to suffer in the future, physical pain with resultant physical disability and mental suffering.

8. Furthermore, as a direct and proximate result of said injuries, Plaintiff has been, and may in the future be, prevented from completely pursuing his regular occupation, in addition to the loss of income Plaintiff has already suffered because of said injuries; and Plaintiff has been prevented from and he may in the future be prevented from enjoying the pleasure and pursuits of life, and Plaintiff has further occasioned, and may in the future occasion, reasonable and necessary medical expenses, including, but not limited to physician fees and medication cost all to Plaintiff's damage in a sum to be proven more definitely at trial in this matter.

## II. MAINTENANCE, CURE, AND WAGES

1. Plaintiff hereby realleges and incorporates by reference Count I, Paragraphs 1-8.
2. Subsequent to Plaintiff's injury when Plaintiff was unable to be employed aboard the F/V Angie C due to his injuries as described hereinabove, said vessel continued to engage in fishing and Plaintiff claims to be entitled to his unpaid crew share, unearned wages, and lost wages.
3. By reason of the injuries so received in the service of said vessel as are hereinabove alleged, Plaintiff has incurred injuries with resultant physical disabilities as are hereinabove alleged; and Plaintiff claims to be entitled to demand, and have of said Defendants, his maintenance and cure already incurred and which may in the future be incurred in and about his cure which Defendants have not already provided for him.

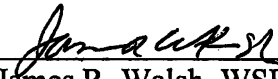
WHEREFORE PREMISES CONSIDERED, Plaintiff prays this Court to hear his just Cause of Action, and that this Court require Defendants to answer his just Cause of Action, and that he be awarded Judgment against Defendants as follows:

1. That Plaintiff be awarded compensatory damages against Defendants jointly and severally in a sum to be determined at trial in this matter;

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2. That Plaintiff be awarded exemplary damages against each Defendant in a sum to be determined at trial in this matter; and
3. That Plaintiff be awarded attorney's fees, prejudgment interest, post-judgment interest, costs, and any other relief in law or equity to which Plaintiff is shown to be entitled.

RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of January, 2010.

  
James R. Walsh, WSBA No: 11997  
Attorney for the Plaintiff